

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1167

H.P. 850

House of Representatives, March 7, 2019

An Act To Increase Consumption of Maine Foods in State Institutions

Reference to the Committee on Agriculture, Conservation and Forestry suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative HICKMAN of Winthrop.
Cosponsored by Senator VITELLI of Sagadahoc and
Representatives: DUNPHY of Old Town, HANINGTON of Lincoln, HARNETT of Gardiner,
MAREAN of Hollis, STANLEY of Medway, TERRY of Gorham, Senators: President
JACKSON of Aroostook, POULIOT of Kennebec.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 7 MRSA §211**, as enacted by PL 1983, c. 608, §2, is amended to read:

3 **§211. Statement of policy**

4 It is the policy of the State to encourage food self-sufficiency for the State. State
5 State-funded institutions ~~and school districts or agencies~~ in the State shall purchase food
6 produced by Maine farmers ~~or fishermen~~, persons who fish commercially or food
7 processors, provided as long as that food is available in adequate quantity ~~and~~, meets
8 acceptable quality standards; and is priced competitively.

9 **Sec. 2. 7 MRSA §212, sub-§§1 and 2**, as enacted by PL 1983, c. 608, §2, are
10 amended to read:

11 **1. Brokers or wholesalers.** "Brokers or wholesalers" means any person
12 representing an enterprise, either for profit or nonprofit, whose objective is to purchase or
13 collect available supplies of food from Maine food producers for subsequent distribution
14 to ~~state~~ state-funded institutions, school districts or agencies and other food businesses.

15 **2. Maine food producer.** "Maine food producer" means any person who is a
16 resident farmer ~~or fisherman~~, person who fishes commercially or processor of food grown
17 or harvested in the State, or an association of farmers ~~or fishermen~~, persons who fish
18 commercially or food processors in a cooperative or producer group.

19 **Sec. 3. 7 MRSA §212, sub-§3**, as amended by PL 1989, c. 443, §18 and PL 2003,
20 c. 20, Pt. OO, §2 and affected by §4, is further amended to read:

21 **3. State purchaser.** "State ~~or school~~ purchaser" means any person who purchases
22 foodstuffs for any ~~state~~ state-funded institution or agency, the community colleges or the
23 school districts of this State the University of Maine System or the Maine Community
24 College System. "State purchaser" does not include a person who purchases foodstuffs
25 for a school that participates in the National School Lunch Program in accordance with 7
26 Code of Federal Regulations, Part 210 (2007).

27 **Sec. 4. 7 MRSA §213, first ¶**, as enacted by PL 1983, c. 608, §2, is amended to
28 read:

29 Notwithstanding any other provision of law and assuming reasonable similarity in
30 quality, quantity and availability with other foodstuffs offered for sale, ~~state or school~~
31 purchasers shall buy meat or meat products, poultry or poultry products, fish or fish
32 products, dairy products, excluding milk and milk or milk products, eggs, and species of
33 fruits and fresh vegetables; directly from Maine food producers or from food brokers who
34 assist in the distribution of foodstuffs produced or harvested by Maine food producers. In
35 the event that more than one producer, broker or wholesaler can supply a given foodstuff,
36 the ~~institutional or school~~ state purchaser may shall require competitive bidding.

37 **Sec. 5. 7 MRSA §213, sub-§3** is enacted to read:

1 **3. Implementation schedule.** The following percentages of foodstuffs purchased by
2 a state purchaser must come directly from Maine food producers or brokers or
3 wholesalers who assist in the distribution of foodstuffs produced or harvested by Maine
4 food producers:

5 A. By December 31, 2025, at least 20%;

6 B. By December 31, 2030, at least 30%;

7 C. By December 31, 2040, at least 40%; and

8 D. By December 31, 2050, at least 50%.

9 **Sec. 6. 7 MRSA §214**, as amended by PL 2011, c. 655, Pt. EE, §12 and affected
10 by §30, is further amended to read:

11 **§214. Coordination of purchases of foodstuffs from Maine concerns**

12 **1. Food purchasing coordinator.** The commissioner shall designate an employee
13 of the department to serve as a food purchasing coordinator to assist in the development
14 of connections between state ~~and school~~ purchasers, Maine food producers and brokers
15 ~~and or~~ wholesalers of food.

16 **2. Annual meeting.** The food purchasing coordinator shall cause to be held an
17 annual meeting that brings together Maine food producers, brokers or wholesalers, buyers
18 and food service professionals to enhance opportunities for cooperation and expand the
19 purchase of local foodstuffs by state institutions and public schools purchasers.

20 **3. Advisory committee.** The commissioner shall establish an advisory committee to
21 discuss possibilities and review proposals for expanding purchases of local foodstuffs.
22 The commissioner shall invite one or more representatives from each of the following
23 agencies to serve on the advisory committee: the Department of Education; the
24 Department of Marine Resources; the Department of Corrections; the Department of
25 Administrative and Financial Services, Bureau of Purchases; the Department of Health
26 and Human Services; the University of Maine System; and the Maine Community
27 College System. The advisory committee shall meet at least once every 2 years.

28 **Sec. 7. 7 MRSA §215**, as amended by PL 1989, c. 700, Pt. A, §31, is further
29 amended to read:

30 **§215. Standards**

31 **1. Quality standards to be established.** Quality standards for meat or meat
32 products, poultry or poultry products, fish or fish products, dairy products, excluding milk
33 and milk or milk products, eggs, and species of fresh fruits and vegetables shall must be
34 established in writing and copies of these standards shall must be made available to all
35 Maine food producers and brokers ~~and or~~ wholesalers who are interested in selling food
36 to state-funded institutions and schools or agencies in Maine.

37 **2. Coordination of development of quality standards.** The Bureau of Purchases
38 will shall coordinate the development of quality standards with state state-funded

1 institutions and ~~the Department of Education~~ agencies and the division of quality
2 assurance and regulations within the Bureau of Agriculture, Food and Rural Resources.
3 The food purchasing coordinator ~~will~~ shall collaborate with the State Purchasing Agent in
4 assisting state ~~and school~~ purchasers in formulating consistent, although not necessarily
5 uniform, quality standards. In the event there are differences of opinion about the quality
6 of foodstuffs supplied to state-funded institutions or ~~schools~~ agencies, final authority for
7 resolution rests with the ~~State Purchasing Agent~~ division of quality assurance and
8 regulations.

9 **3. Certification of food of Maine origin.** Food brokers ~~and~~ or wholesalers or any
10 person who sells directly to the ~~state~~ state-funded institutions ~~and schools~~ or agencies of
11 Maine shall certify to purchasing agents that shipments of food intended to be of Maine
12 origin are produced or harvested by Maine food producers.

13 **4. Split shipments of food.** In the event that foodstuffs of Maine origin are not
14 available in sufficient quantities to meet demand, food brokers ~~and~~ or wholesalers or any
15 person selling directly to the ~~state~~ state-funded institutions or ~~schools~~ agencies may
16 supply split shipments of food, mixing food items of Maine origin with the same food
17 items from outside Maine, provided as long as the consolidated order is of comparable
18 quality and the broker or wholesaler or person specifies the percentage of the mixed
19 shipment that is of Maine origin.

20 SUMMARY

21 Current law requires state and school purchasers to buy meat, fish, dairy products,
22 excluding milk and eggs, and species of fruits and fresh vegetables directly from Maine
23 food producers or food brokers. This bill establishes a minimum percentage of Maine
24 foodstuffs, including milk or milk products, eggs, meat or meat products, poultry or
25 poultry products, fish or fish products and fruits and vegetables, that must be purchased,
26 requiring at least 20% by December 31, 2025, at least 30% by December 31, 2030, at
27 least 40% by December 31, 2040 and at least 50% by December 31, 2050. The bill
28 exempts from the requirements school purchasers at schools participating in the National
29 School Lunch Program. The bill also clarifies that "Maine food producer" includes food
30 processors, revises provisions regulating quality standards and requires competitive
31 bidding when more than one producer or broker or wholesaler can supply a given
32 foodstuff.